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August 27, 2003

The Honorable Spencer Abraham
Secretary
Department of Energy
Washington, DC 20585

Dear Secretary Abraham:

I am writing to express my concern over the apparent elimination of a successful Department of Energy (DOE) program to monitor, retrieve and store surplus or orphaned radioactive sources that could be used by terrorists to make dirty bombs, and the potential elimination of a second such program.

There are more than 2 million radioactive sources in the US, and are used for everything from research, to medical treatment to industrial processes. The Nuclear Regulatory Commission (NRC) has admitted that of the 1700 such sources that have been reported lost or stolen over the past 5 years, more than half are still missing.

The amount of damage a radiological dirty bomb made from one or more of these sources could do depends on the amount of conventional explosives used to detonate and disperse the device as well as on the amount and type of radioactive material used. But the potential consequences are devastating: immediate deaths and injuries, exposures to cancer-causing radiation, and radioactive contamination of entire communities which could cause years and millions of dollars to clean up. For example, in 1987, scavengers in Brazil opened an abandoned canister containing 1400 Curies of powdered cesium and circulated its contents among the community, which resulted in 244 people contaminated, 54 people hospitalized, 19 people with radiation-induced skin burns, and 4 people dead.

The Department of Energy established the Nuclear Materials Stewardship Program (NMSP) to "assist sites to inventory, characterize, and plan for the disposition of surplus nuclear materials, including surplus sealed radioactive sources." As detailed in the enclosed February 14, 2002 letter from Department of Energy Under Secretary for Energy, Science and Environment Robert Card and then-Department of Energy Secretary for Nuclear Security John Gordon, this program has been quite successful in recent years. Not only has it assisted various laboratories and sites in recovering radioactive sources, including plutonium, uranium, thorium, cesium, strontium and cobalt, it has helped save the American taxpayer money. By collecting and storing these sources in a single location, the DOE sites no longer need to maintain expensive facilities

to house the unwanted sources—resulting in savings of over \$2.6 million in one fiscal year alone.

Unfortunately, four months after the services available through this program were offered to the rest of the Department of Energy and to other interested customers, the Assistant Secretary for Environmental Management, Jessie Roberson, informed the NMSP that it should plan on completing and closing out in FY 2003, as detailed in the enclosed letter. Having spent 5 years and only \$9 million to create this program, the program is in a position to have substantial impact beyond the initial clientele of national labs and move on to assist hospitals, universities, and other users of radioactive sources. Given the successes of the NMSP and the current concerns over dirty bombs, I do not understand why funding for this program was eliminated.

I am also concerned about the future of the DOE Office of Source Recovery (OSRP). This program has recovered nearly 8000 unwanted sealed radioactive sources from universities and hospitals. While the program received adequate funding from the FY03 Supplemental Appropriations for Homeland Security, it is my understanding that future funding and management oversight are both in question from April 2004 and beyond.

We have known for some time that Al Qaeda has been seeking to obtain and use these materials in attacks against the US, which makes DOE's elimination (or, in the case of OSRP, prospective elimination) of these two programs that do so much to address this risk utterly mystifying and absolutely unacceptable. Accordingly, I respectfully request your assistance in providing prompt responses to the following questions:

1. At the recent Group of Eight meeting in France, the G8 Leaders issued a statement which included the following text:

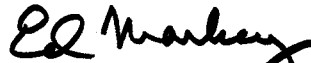
Reducing the "Dirty Bomb" Threat: With U.S. encouragement, the G-8 launched a major new initiative to improve the security of radioactive sources and prevent their use by terrorists in so-called "dirty bombs." The initiative complements International Atomic Energy Agency programs and commits the G-8 to:

- Track sources and cooperate to recover "orphan sources";
 - Improve export controls;
 - Increase physical protection;
 - Ensure safe disposal of spent sources; and
 - Offer assistance and technical support to other countries.
- a. Since the NMSP was specifically designed to deal with many of these issues and is prepared to expand overseas, why was this program cancelled?
 - b. What plans does the Department of Energy have to deal with the problem of "orphan sources" beyond the NMSP? If this plan includes reliance on the OSRP program, please provide your budget plan for this program for the next 5 years.
 - c. Did DOE consult with the Department of Homeland Security, the NRC or any other Federal Agency prior to making the decision to eliminate funding for the NMSP, and if so, with who and what did they say, and if not, why not? Has DOE discussed its future plans for OSRP with the Department of Homeland Security,

- the NRC or any other Federal Agency? If so, what did they say and if not, why not?
- d. Did DOE consult with any White House officials prior to making the decision to eliminate NMSP's funding, and if so, with whom and what did they say, and if not, why not? Has DOE consulted with White House officials regarding its future plans for OSRP? If so, what did they say and if not, why not?
 - e. Given the successes of the NMSP, why was funding for this program eliminated?
 - f. Who made the decision to cut NMSP's funding, and who approved it?
 - g. Who is in charge of deciding on the future of OSRP's funding?
2. Both NMSP and ORSP appear to be programmatically orphaned: while the need for the role played by these programs is clear and the success of these programs has been praised by DOE, both programs have recently been forced to search for new managerial oversight. Why does DOE not consider this important homeland security function to be part of its mandate?
 3. What do you plan to do to obtain the funds and program support necessary to ensure that these programs continues to be able to serve their very important homeland security functions?

Thank you for your assistance and cooperation in providing prompt responses to these questions. I would appreciate your response to these questions by September 19, 2003. Please have your staff contact Dr. Michal Freedhoff or Mr. Jeff Duncan of my staff at (202) 225-2836 if you have any questions about this request.

Sincerely,



Edward J. Markey
Member of Congress